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CONSTITUTION OF THE VILLAGE OF CLARKS POINT

Preamble

We, the Alaska Natives of Clarks Point, Alaska, consisting of Eskimo, Aleut, an indigenous Indian origin, having a common bond to this land, ancestry, culture, and community identity, in order to implement our inherent right to self-government, as an Alaska Native people and to further our common political, social, and economic progress, do ordain and establish this constitution. Further, we recognized that the entitlement to services to preserve the Alaska Natives' cultural values; to protect our sovereign and inherent rights as the descendants of the aboriginal Alaska Natives cultural values and to promote social, health, education and welfare programs.

Article I.

Section 1. Name: the official name of this tribe is the Village of Clarks Point.

Section 2. Our traditions of our Tribe are as follows:

a. To promote pride on the part of the Natives of Alaska in their heritage and traditions.
b. To preserve the customs, folklore and art of native races.
c. To promote the physical, economic and social well-being of the Natives of Alaska.
d. To discourage and overcome racial prejudice and the inequities which prejudices creates;
e. To promote good government by reminding those who govern and those governed by their joint and mutual responsibilities.
f. To be loyal to the tribal government both in spirit and purpose in protection of services and programs.

Article II. Territory and Jurisdiction.

Section 1. Territory.

The territory of the Clarks Point Village Council shall extend to all such Indian Country of the village as may exist under tribal or federal law; which includes all lands within the federal townsite, city limits, allotments, federal lands in trust held by Saguyak Inc. and other lands regardless of ownership within the exterior boundaries formed by the lands specified in ANCSA.

Section 2. Jurisdiction.

The jurisdiction of the Village of Clarks Point shall extend to all matters within the power and authority of the Tribe including controversies arising out of the Constitution of the Village of Clarks Point, laws, statutes, ordinances, resolutions and codes enacted by the Village Council; and such other matters arising under the enactments of the Council or the customs and traditions of the Tribe. This jurisdiction extends over the Tribe and its territory, persons who enter its territory, its members, and persons who interact with the Tribe or its members wherever found.

Article III. Membership.

Section 1. Membership.

All tribally enrolled members approved by tribal council ordinance.

Section 2. Base Membership.

All persons listed on the base roll of the Native Village of Clarks Point shall be members of the Village. The base roll is to be certified by the Village.

Section 3. New Members.

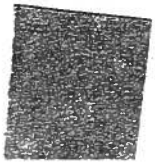
Change members not residing in Clarks Point *

a. Children. All children born to members residing in the Village and all children biologically of Alaska Native descent who are adopted by members residing in the Village shall be admitted to membership upon application.
b. New Residents. Any new resident of Alaska Native ~~American~~ descent may be admitted to membership upon application through approval of the Village Council and ordinance adding to the tribal enrollment process.
c. Adopted Members. Any person of Alaska Native ancestry may, that is not otherwise eligible for membership, but with significant ties to the Village, may be admitted to membership at the discretion of the Village Council.

Section 4. Dual Membership Prohibited.

No person may be a member of the Native Village of Clarks Point who is also an enrolled member of another federally recognized Alaska Native Village or Tribe.

Section 5. Loss of Membership.



Membership may be voluntarily relinquished by written notice from a member to the Council. The Council may revoke membership involuntarily for just cause upon due process of village law.

Section 6. Honorary Member.

Persons not eligible for membership may be designated honorary members by the Village Council. Honorary members may not hold elective office, do not have the right to vote, and do not become eligible for the tribal benefits by reason of their honorary membership.

Section 7. Regulation of Membership.

The Village Council shall establish an enrollment committee to develop the base roll and process applications through [redacted] including application and appeal procedures. Change to → Resolution

Article IV. Village Council.

Section 1. Name.
The name of the governing body is the Clarks Point Tribal Council, hereinafter referred to as the Village Council.

Section 2. Composition.

The Council shall consist of five members who shall be elected by eligible voters who are physically present at the annual membership meeting. Council shall take office immediately following the election.

Section 3. Qualifications.

In order to run for the Village Council, a member must be over the age of eighteen and have resided in the Village for the one year period prior to the election. No member may run for or hold office if they have been convicted of a felony under tribal, state, or federal law for the five years following the conviction.

Section 4. Officers.

The Council shall include a President (Chief), Vice President (2nd Chief), Secretary/Treasurer (3rd Chief), and two members (4th and 5th Chief). Officers shall be selected by the Council from its members immediately following the annual election.

Section 5. Terms of Office.

Council members shall serve for a term of three years, with staggered terms.

Section 6. Vacancies.

Any vacant office shall be filled by appointment by the remaining Council members at their next meeting. The replacement shall serve until the next annual meeting.

Section 7. Qualifications.

In order to run for and serve on the Council, the member must be eligible to vote and have resided within the Village for the year prior to the election. Further, no one who has been convicted of a felony under tribal, state, or federal law can run for or serve on the Council within the fives years after the conviction.

Article V. Elections.

Section 1. Voter Qualifications.

Any tribal village resident of the village of Clarks Point who has reached the age of eighteen years or older and has resided in the village for at least one year shall be eligible to vote in all community elections and meetings.

* Power of attorney for election for qualified voters
* Residency clause

Section 2. Elections.

The regular election of officials and of questions regarding voter approval shall be held at the annual election meeting. Special elections may be called at other times by the Council, with or without a meeting of the membership, provided that no election shall be called during the fishing season or at times when substantial numbers of village residents are outside the Village.

Section 3. Notice.

The Council shall publicize all Village elections by customary village methods at least fifteen days in advanced.[redacted]

Section 4. Secret Balloting.

All elections of officials and votes held on issues before the voters by initiative or referendum shall be by secret ballot. Other votes taken at membership meetings shall be by secret ballot if requested by three or more eligible voters.

Section 5. Election Committee.

Prior to any Village election, the Council shall appoint responsible persons to supervise, administer and conduct the election. The Council may by ordinance

[redacted]

establish a permanent election committee and procedures for conducting Village elections and maintaining voter rolls.

Article VI. Removal from Office.

Section 1. Misconduct or Neglect.

Any Chief or officer found guilty by the Council of behavior involving misconduct in office or neglect of duty may be removed from office by a vote of at least three Members of the Council. Voting must be by secret ballot and the accused, if a Council Member, is entitled to a vote. Before any vote for removal is taken, the accused must be given a reasonable opportunity to answer the charges against them.

Section 2. Recall.

Eligible voters shall have the power to remove any member of the Council by recall. The process shall be initiated by giving a petition asking for such removal to the Council. The petition must be signed by at least 20 % of the eligible voters and must set forth the reasons for the petition. The Council must hold a community election to consider the recall within thirty days of receipt of the petition.

Section 3. Forfeiture.

Any Council Member who moves from the Village shall automatically forfeits their office. Any Council Member who is convicted of a felony by state, federal, or tribal court shall automatically forfeits their office. If any Council Member ceases to be a member of the Village shall automatically forfeits their office.

Residency

Article VII. Powers.

Section 1. Assertion of Power.

The Clarks Point Village Council shall have all rights and powers of a sovereign self-governing people.

Section 2. Savings Clause.

Any rights and powers vested in the Clarks Point Village Council, but not expressly referred to in this Constitution, shall not be lost by reason of their omission, but may be exercised by the Council.

Section 3. Power to Tax Reserved.

No taxes or assessments may be levied without a vote of the voters of the Village of Clarks Point.

Article VIII. Participation in Tribal Government.

Section 1. Initiative.

The eligible voters of the Village of Clarks Point shall have the right to propose legislation or other Village action. Upon receipt of a petition signed by at least 30 % of the eligible voters which reside within the Village or 20 % of all eligible voters, the Council shall call a meeting to be conducted within thirty days of the receipt of the petition. The election shall be by secret ballot if requested.

Section 2. Voter Decision Binding.

The decision of the majority of the voters shall be binding on the Council and the Village until amended or rescinded by voters or expires by its own terms.

Article IX. Rights of Members.

Section 1. Rights and Privileges.

All members of the Village shall enjoy without hindrance their rights as citizens of the United States; which specifically includes the right to serve on any corporate or elected governing body.

Section 2. The Indian Civil Rights Act.

In exercising its power of self-determination and government, the Village shall comply with the provisions set forth in the Indian Civil Rights Act, 25 U.S.C. 1301 et seq. and not infringe the individual liberties guaranteed therein.

The Indian Civil Rights Act states: No Indian tribe in exercising powers of Self Government shall

a. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

b. Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

[redacted]

c. Subject any person for the same offense to be twice put in jeopardy;

d. Compel any person in any criminal case to be a witness against himself;

e. Take any private property for a public use without just compensation;

f. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

g. Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both;

h. Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

i. Pass any bill of attainder or ex post facto law; or

j. Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Section 3. Rights to Inspect Records.

Tribal Members of the Village of Clarks Point have the right to review records of the Village government, excluding tribal confidential ~~record and~~ employee files, at any reasonable time in accordance with procedures established by the Council.

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Article X. Duties of Officers.

Section 1. President.

The President shall preside at all meetings of the Village and of the Council and shall execute on behalf of the Village all contracts, leases, or other formal documents approved by the Council. They shall vote in matters before the Council. They shall have the general supervision of all other officials, employees, and committees of the Village and see that their duties are properly performed. When the Council is not in session, they shall be the official representative of the Village of Clarks Point. The President shall represent the

Whereupon They he/she

Village of Clarks Point on all of the Bristol Bay boards, which includes BBNA, BBAHC, and BBEDC.

Section 2. Vice President.

The Vice President shall assist the President when called upon to do so and preside with all the rights, duties, privileges, and responsibilities of the President in their absence. Further, the Vice President shall serve as an alternative for the President on the Bristol Bay boards.

Section 3. Secretary/Treasurer.

The Secretary/Treasurer shall certify the minutes of all meetings and shall make sure that all minutes, ordinances, notices, resolutions, check disbursements, and all other financial matters of the government are kept in permanent form. The Duty will be carried out expressly for the Council.

Section 4. Members.

The additional members will hold a voting position at all Council meetings.

Article XI. Meetings.

Section 1. Regular and Special Meetings.

Regular meetings of the Council shall be held monthly, the time and place to be designated by the Council. Special meetings of the Council may be called by the President and/or shall be called by them at the request of at least two members of the Council

Section 2. Quorum.

A quorum of the Council shall consist of three members. No business shall be transacted unless a quorum is present.

Section 3. Conflict of Interest.

No Chief shall vote on any matter pertaining specifically to them or to an immediate family member or any matter in which they or an immediate family member has a significant financial interest. Nothing bars a member from voting on a matter in which the benefit to them is common to that of Village members at large, or bars a member of his family from employment by the Village. The member must always uphold the Village Council's roles and services and must declare a conflict if it benefits another organization. The Council members must always keep the interests of the Village Council a priority and vote on issues and represent the government to its highest level. Immediate family members are

[redacted] (she/her)

defined as follows: father, mother, brother, sister, wife, husband, son, daughter, or anyone in the member's household.

Section 4. Open Meetings.

All meetings of the Council shall be open to the general membership, provided that the council may recess at its discretion to discuss any matter in a closed or executive session.

Section 5. Decisions.

Final decisions of the Council on matters of permanent interest, such as the passage of Village laws and regulations, shall be by ordinance. Final decisions of the Council on matters of temporary interest may be by resolution.

Section 6. Parliamentary Procedure.

All meetings shall be conducted in accordance with rules adopted by the Council.

Section 7. Tribal Membership Meetings.

Regular meetings of the tribal membership of the Village of Clarks Point shall be held annually, the date, time and place to be established by the Council. Special meetings of the tribal membership shall be called by the President and/or shall be called by their designee or by a majority vote of the Council and/or upon receipt of a petition signed by at least 30 % of the eligible tribal village resident voters or 20% of all eligible voters.

Section 8. Notice.

All meetings of the tribal membership must be publicized by the Council at least fifteen days in advance; ~~which includes sending notice through the mail to members residing outside of the Village.~~ No tribal membership meetings may be called during fishing season.

Section 9. Quorum of the Membership.

A quorum of the tribal membership shall consist of 30 % of the eligible tribal village resident voters, and no business shall be conducted unless a quorum is present. There shall be no minimum quorum for regularly scheduled annual meetings.

Article XII. Tribal Courts and Services.

Section 1. Tribal Courts.

The Clarks Point Village Council may delegate its judicial power in particular cases if it so desires. A tribal court system may be established by ordinance if deemed by the membership through ordinance.

Section 2. Services.

The Clarks Point Village Council provides services in health, education, and welfare programs for the benefit of its members. Members elected to Council must always advocate for those services.

Article XIII. Severability.

If any provision of this Constitution should be declared invalid, that section shall be severed and the remaining provisions shall continue in effect.

Article XIV. Savings Clauses.

Section 1. Existing Law Remains in Effect.

To the extent consistent with the Constitution, all previous ordinances and resolutions adopted by the traditional Council of Clarks Point are all customary Village law and shall remain in effect following the adoption of this Constitution.

Section 2. Revisions.

In the event of future Constitutional revisions, all previous ordinances and resolutions adopted by the traditional Council of Clarks Point and all customary Village law shall remain in effect following the adoption of this Constitution.

Article XV. Amendments.

This Constitution may be amended by a majority vote of the eligible voters in a membership meeting called for that purpose. Provided, however, that at least 30 % of those eligible voters vote in such a membership meeting.

Article XVI. Adoption.

Section 1. Effective Date.

This Constitution shall be effective immediately upon adoption by a majority of the eligible votes, as defined in this Constitution at a membership meeting called for that purpose.

[redacted]

CERTIFICATION OF ADOPTION

We, the undersigned members of the Village of Clarks Point certify that we constitute a quorum of the Traditional Council, that we were present at an election on March 3, 2000, that this Constitution was duly adopted by the tribal membership by a vote of 26 for and 0 against, and that at least twenty percent of those entitled to vote cast their ballots.

Dated this 3 day of March, 2000.

Henry W. Wassily Jr.
President

Vice President

Margaret L Gardiner
Secretary/Treasurer

Member Chief

Member Chief